

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

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|----------------------------------|---|-------------------------------|
| ROBERT D. STRICKLAND, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 11-G-0421-NE |
| |) | |
| MICHAEL J. ASTRUE, |) | |
| Commissioner of Social Security, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM OPINION

The plaintiff, Robert D. Strickland, brings this action seeking judicial review of a final adverse decision of the Commissioner of the Social Security Administration (the Commissioner) finding that there was an overpayment of disability insurance benefits made for the period of June 2004 through January 2006, and that the plaintiff is not entitled to waiver of recovery of that overpayment. In March 2006, the Commissioner informed the plaintiff of the overpayment. Waiver of the overpayment was requested but no proofs were submitted. After a hearing, ALJ Dan Grady found on March 6, 2009, that:

It is the decision of the administrative law judge that the claimant was overpaid benefits in the amount of \$26,057.20, due to earnings from June 2004 through January 2006; that he was not without fault in connection with such overpayment; and that, therefore, recovery of the overpayment is not waived.

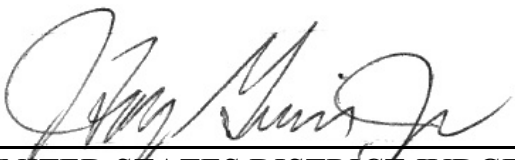
[R. 17]. Thereafter, plaintiff timely pursued and exhausted the administrative remedies

available before the Commissioner. Accordingly, this case is now ripe for judicial review pursuant to the provisions of section 205(g) of the Social Security Act (the Act), 42 U.S.C. § 405(g).

The sole function of this court is to determine whether the decision of the Commissioner is supported by substantial evidence and whether proper legal standards were applied. Bloodsworth v. Heckler, 703 F.2d 1233, 1239 (11th Cir. 1983). To that end this court “must scrutinize the record as a whole to determine if the decision reached is reasonable and supported by substantial evidence.” Bloodsworth, at 1239 (citations omitted). Substantial evidence is “such relevant evidence as a reasonable person would accept as adequate to support a conclusion.” Bloodsworth, at 1239. The court has carefully reviewed the entire record in this case and is of the opinion that the Commissioner's decision is supported by substantial evidence and that proper legal standards were applied in reaching that decision. Accordingly, the decision of the Commissioner must be affirmed.

A separate order in conformity with this memorandum opinion will be entered.

DONE and ORDERED 21 February 2012.


UNITED STATES DISTRICT JUDGE
J. FOY GUIN, JR.